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H.S. HUGHES, DRE

By E.C. Banks

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RECENT SWEDISH POLICY AND ACTION WITH REGARD TO THE
ADMISSION AND EXPULSION OF REFUGEES

Description

This paper describes the policy decisions made and legislation enacted by Sweden on the admission and expulsion of aliens and indicates in so far as possible the trends of Swedish action with particular regard to German and Baltic refugees.

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TABLE OF CONTENTS

I.	Introduction	1
A.	Scope of this Paper	1
B.	Scope of Refugee Flow	1
1.	Non-German Refugees	1
2.	German Refugees	3
3.	Swedish Public Agencies Involved	4
II.	Swedish Treatment of Refugees	4
A.	Official Action	4
1.	Prior to the Fall of 1944	4
2.	Late 1944-1945	6
3.	Treatment of Special Cases	9
a.	Germans	9
b.	Baltic Refugees	11
B.	Unofficial Attitude Towards Swedish Refugee Policy ..	13
1.	Pre-1945	13
2.	Later 1945	14
III.	Conclusion	15

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I. Introduction

A. Scope of this Paper

In the course of the apprehension and trial of war criminals, whether on national or international levels, the United Nations will probably find it necessary to approach Sweden for the surrender of suspect persons. Sweden's reaction to such approaches will undoubtedly be conditioned to a large extent by policy decisions already made as to the admission and expulsion of aliens. The extent to which Sweden can expeditiously and efficiently meet United Nations requests will depend in considerable measure upon how far the United Nations seek to have her depart openly and drastically from these policies. It is therefore proposed in this paper to add the material on these points which has become available as to Sweden since 15 January 1945,¹ and to indicate as far as possible the trends of Swedish action.

B. Scope of Refugee Flow

1. Non-German Refugees The problems which Sweden has had to face and solve as to refugees are foreshadowed in the numbers of aliens who have sought admission to Sweden since the war broke out in 1939. While some persons asked refuge in Sweden in 1940 and 1941, the flow of refugees was not significant until 1942. In that year there was a marked increase, with Norwegians forming the largest group seeking admission. From that period until the closing months of the war, the tide of refugees increased. The official

1. Date of R & A Report No. 2465.1, Right of Political Refugees to Asylum in Non-Belligerent Countries.

- 2 -

break-down of the flow of non-German refugees has been reported as follows by one source:

	1942 ¹	1943 ²	1944 ³	1945 ⁴	
				Children	Total
Norwegians	9,000	18,000	30,000	3,300	30,500
Danes		9,000	16,000	3,000	16,000
Estonian Swedes		1,400		1,200	6,500
Other Baltic State Groups			31,000	4,000	30,000
Finns		4,000	87,000	56,000	79,000
Russians		1,500			
Czechs		700			
British		500			
Miscellaneous	3,000			1,000	18,000
Total	12,000	35,100	164,000	68,500	180,000

1. News from Sweden, 18 November 1942.

2. Id., 24 November 1943.

3. Id., 6 December 1944.

4. Id., 14 March 1945. See also New York Times, 2 June 1945.

- 3 -

This tide has now started to ebb,¹ as is demonstrated by figures recently released by a Swedish source:²

	1 April 1945	17 June 1945	Decrease	Increase
Norwegians	37,000	20,000	17,000	
Danes	15,500	6,700	8,800	
Finns - General	6,000	3,000	3,000	
Special				
Evacuees	27,000	13,900	13,100	
Children	41,600	37,100	4,500	
Poles	780	9,300		8,520
Dutch	300	1,340		1,040
French	400	2,000		1,600
Balkan groups	29,600	25,000	4,600	
Total	158,180	118,340	51,000	11,160

2. German Refugees It seems even more difficult to obtain figures on the number of German refugees in Sweden. It has been reported that in 1943 there were 5,000.³ The figure was set at 5,594 on 1 April 1945 and at 5,755 on 17 June 1945.⁴

1. Net total decrease of refugees during the period from 1 April 1945 to 17 June 1945 was 39,840.

2. CID 138180, 27 June 1945; cf. New York Times, 2 June 1945.

3. News from Sweden, 24 November 1943.

4. CID 138180, 27 June 1945.

- 4 -

The German military in Sweden before the collapse of Germany were reported as numbering 3200, of whom 250 were officers.¹ Arrangements for their return were even then a matter of negotiation between Germany and Sweden.

3. Swedish Public Agencies Involved The administrative task of handling the problems arising from this influx of refugees was centered in the Ministry of Social Affairs headed by Minister Gustav Moeller. The Aliens Commission, one of the units within this ministry, had control of the issuance of permits to enter Sweden. Ernst Bexelius has been chairman of this commission.

The Ministry of Justice, which is headed at present by Thorwald Bergquist, has also been concerned with the refugee problem, because it is charged with duties as to screening of undesirable aliens.

II. Swedish Treatment of Refugees

A. Official Action

1. Prior to the Fall of 1944 The Aliens Law, which was in operation during most of the war, provided four methods of excluding or expelling undesirable aliens;²

- a. extradition (Utaelmnig) of criminal elements upon the direct request of a foreign power, a process which was not available in the case of those accused of political crimes;
- b. refusal of admission at the frontier (Avvisning) which was used in the case of gypsies and similar groups;

1. Swedish Home Service, 23 March 1945, News Digest # 1767, p. 27.

2. OSS Source D, # 4787, 22 November 1944.

- 5 -

- c. deportation on technical counts (Forpassing) such as false passports, illegal entry, etc.;
- d. and expulsion of persons guilty of crime or otherwise undesirable (Utvisning).

It was through application of this machinery, that Sweden sought to regulate the admission of aliens.

The Swedish attitude toward refugees was liberal until the latter part of 1944.¹ Thus, if an applicant for admission claimed status as a political refugee, he was said to have been accepted at his own valuation. While Sweden was not too enthusiastic about admitting foreigners, as is evidenced by its strict citizenship policy, a combination of expediency, good will and ethnic relationships motivated this liberal policy.

The chief factor insofar as expediency was concerned was the critical labor shortage in Sweden.² Refugees not only augmented the labor supply but also contributed to their own support. This process placed little or no burden on the Swedish authorities, since most of the refugees were aided by their own legation, which had special refugee bureaus. The few refugees who were not aided by their own legations found employment through the government-established Refugee Office.³

1. During this period, it was reliably reported that Sweden had never refused to admit a refugee who sought admission, ibid. However, at least one Swedish paper stated that the policy on admission shifted with the political and military situation. See Nu, 27 October 1944, News Digest # 1591, p. 39.

The press has also referred to the Swedish return of an Austrian deserter from the German army, although this meant his execution. See Vecko-Journalen, 10 December 1944, News Digest # 1629, p. 25; Expressen, 4 April 1945, News Digest # 1727, p. 32.

2. CID 104055, 4 July 1944.

3. See, for example, OSS Source C, # 53812, December 1943.

- 6 -

"Undesirable" aliens" who ordinarily would have been refused entry were also granted admission. This relaxation of the customary rule was based on the fact that the occupation authorities in neighboring countries had established harsh penalties (in some cases, capital punishment) for crossing the border. While these people were admitted, they were segregated. Five camps were set up - Saters for the mentally ill, Langmora for first offenders, Smedsbo for those who had been politically active in Sweden and were therefore under observation, Rengsjö for those exhibiting criminal tendencies, and Halsingmo for Norwegian quislings. The classification of refugees for the purpose of segregation was in practice undertaken by the Norwegians and Danes.¹

2. Late 1944 - 1945 The military success of the United Nations forced a review and reorientation of Swedish refugee policy. The machinery provided by the Aliens Law in force throughout the greater part of the war and the administrative procedure thereunder was geared to a German-dominated Europe and to non-German refugees. Its inadequacy had been early felt and revisions were in preparation in the latter part of 1944.² Upon the recommendation of an investigating committee,³ new legislation was submitted to the Riksdag. Two statutes were submitted, - one a general aliens law

1. CID 104055, 4 July 1944. See also Swedish Press, 14 September 1944, News Digest # 1553, p. 37; Dagens Nyheter, 13 October 1944, News Digest # 1580, p. 28.

2. A commission had been appointed in 1943 to study the refugee problem. OSS, Source D, 15 January 1945. Minister Bergquist had announced on 13 September 1944 that his ministry was reviewing its policies. Swedish Press, 14 September 1944, News Digest # 1553, p. 37. He repeated this statement a month later. Swedish Press, 15 October 1944.

3. OSS, Source D, 15 January 1945.

- 7 -

and the other, a provisional law to regulate internment of aliens in prisons and in camps.¹

The new aliens law retains the existing passport regulations and provides for supervision of aliens through the Aliens Commission, which hears the appeals from the decisions of local authorities on residence and expulsion. It was to become operative on 1 July 1945. The text of this statute has not yet been reported.

In the period before the new law became operative, the Aliens Commission was authorized to determine the country to which the alien was to be deported, and to postpone the execution of deportation orders.² This may be construed as empowering the commission to return aliens to their mother countries even though they may have claimed status as political refugees.

During the period in which this action was in formulation, various officials charged with the execution of alien legislation issued statements indicative of the policy to be followed. On 6 September 1944, the Minister of Social Affairs, Gustav Moeller, stated that Sweden desired to admit all real refugees but that she would strive to keep out all undesirable aliens and to place suspected quislings in separate custody.³ He also made it clear that Sweden would take a severe position toward those who had betrayed their own countries and toward those whose acts offended the

1. OSS, Source D, 16 April 1945.

2. OSS, Source D, 10 April 1945.

3. OWI Source, 9 November 1944; see also New York Times, 6 September 1944, p. 10.

civilized world. This statement of policy was in effect reiterated by Minister of Justice Bergquist on 13 September 1944, although he laid greater stress on the humanitarian aspects of the refugee policy.¹ The press has characterized the policy during this period as "delayed action expulsion," in which every case received separate treatment.²

This practice seems to have prevailed until the spring of 1945. In an announcement to the press on 4 April 1945, which was more detailed than the March announcement of stricter policy,³ Minister of Justice Bergquist stated that there was a limit to the number of refugees which Sweden could receive and that Sweden could not distinguish with great accuracy between the sheep and the goats. He stated that all undesirables would be expelled, and that a policy of general exclusion was the only solution.⁴ He was also of the opinion that an investigation of a refugee which produced no evidence prejudicial to him would not constitute a reason for permission to stay in Sweden. Five days later, the Cabinet announced that the refugee policy could not be made specific, that it would remain flexible, and carefully designed to exclude undesirable aliens, even to the extent of deviating from normal procedure and excluding individuals without an examination of their cases.⁵

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1. Swedish Press, 14 September 1944; News Digest # 1553, p. 37.
 2. OSS, Source D, 25 November 1944. See a similar statement of 21 March 1945, by Minister of Justice Bergquist. FCC Ticker quoting Swedish European Service, 22 March 1945.
 3. Swedish Overseas Service, 28 March 1945; News Digest # 1721, p. 35.
 4. Swedish Overseas Service, 4 April 1945; News Digest # 1726, p. 32; see also News from Sweden, 4 April 1945.

Minister Bergquist also indicated that there might be special cases, in which Swedish family relations or other special reasons might be alleged for entry, but felt that such special reasons must be "strong and positive."

5. FCC Ticker, quoting Swedish Home Service, 9 April 1945; News Digest # 1727, p. 32; Swedish Overseas Service.

The statement of Minister Bergquist was followed shortly by the issuance of regulations which permitted the alien control authorities to issue direct expulsion orders,¹ thus expediting the process of expulsion. The military authorities also received special instructions at this time.²

3. Treatment of Special Cases

a. Germans As the German military machine collapsed, Sweden was confronted with an increasing number of German refugees. Until April 1945, there seems to have been no special procedure established for them. They were screened immediately upon arrival by medical and police authorities. In the case of members of the Wehrmacht and its political and military organizations, military authorities intervened. Neither the Civilian Defense Board nor the military authorities could, however, reject them as a matter of course, but had to apply existing regulations.³ After the strict exclusion policy had been announced Minister Bergquist stated to the press that all Germans would be sent back to Germany to be dealt with by the German authorities. While reserving any answer on inquiries as to the effect of an Allied war criminal list, he explicitly stated that Allied occupation would make no difference.⁴

There seems to have been no further official statement on the treatment of Germans seeking admission to Sweden until 12 May 1945. At that

1. FCC Wire, quoting Swedish European Service, 10 April 1945.

2. OSS, Source D, 25 April 1945.

3. Aftontigningen (Stockholm), 3 April 1945, News Digest # 1726, p. 32. The New York Times reported under a Stockholm date line that Reich civilians would be returned but that this policy decision would not affect military deserters or persons in quarantine, 10 April 1945. Later it reported that 30 German civilians had been returned via Denmark, under a decision of the Aliens Commission. New York Times, 23 April 1945.

4. Swedish Press, 4 April 1945, News Digest # 1726, p. 32.

- 10 -

time, the Defense Staff announced that all Germans in Wehrmacht or Gestapo uniforms would be refused entry and that, if they succeeded in entering, they would be disarmed and expelled.¹ The same statement made it clear that boats carrying exclusively uniformed persons would be turned away, but that craft with mixed civilian and military passengers would be interned by the appropriate authorities. Similar rules were laid down for aircraft. It also stated that Norwegian and Danish collaborators, civilians who had no Swedish entry permits, and persons from German war prisons would be taken into police custody.

As to the special case of the German diplomats in Sweden, they were interned in a special camp at the request of the Foreign Office and were not required to do physical labor.² On 31 May 1945, Foreign Minister "Gunther"³ announced that it was the intention of the Government to return all officers and employees of the former German legation and consulates, with their families, to Germany, subject to the approval of the Control Council, but that no answer had been received from the Allies.⁴ Some 350

1. OSS, Source D, 12 May 1945.

2. Oss, Source H, 23 May 1945.

3. "Gunther, since the time of this statement has been replaced as foreign minister by Osten Unden.

4. OSS, Source D, 31 May 1945.

- 11 -

persons were involved. This return has now taken place.¹

b. Baltic Refugees The majority of Baltic refugees in Sweden had fled from the republics of Estonia, Latvia and Lithuania during the period of the German retreat in 1944.² Many of these refugees, in the early part of the war, had conducted an active campaign on Swedish soil designed to enlist support for the restoration of the independence of the Baltic states. These activities which aroused considerable criticism from the Soviet press had at least been tolerated by the Swedish officials until the latter part of 1944. At this time, the Swedish Government attempted to restrict such activities and to bring its general refugee policy in regard to these purposes more in line with Soviet views.³

In 1945, Counsellor Ungzell, chief of the Legal Division of the Swedish Foreign Ministry, issued a statement defining the legal status of the Baltic refugees in Sweden. Ungzell declared that those refugees who had arrived recently in Sweden must be considered as Soviet citizens. Those who resided in Sweden prior to August, 1940 - the time of the incorporation of these republics into the Soviet Union - and who failed to register as Soviet citizens, provided they had not since acquired another

1. Press reports indicated that the first transport of 180 persons would leave 18 August 1945, New York Times, 11 August 1945. The transport sailed in fact on time. New York Times, 20 August 1945, p. 19.

Sweden received the Japanese diplomats who fled from Berlin and allowed them to remain, because deportation was not then possible. See OSS, Source D, 29 May 1945.

2. cf. R & A Report No. 3072, Recent Refugee Movements from the Soviet Union.

3. For a more detailed account of these activities, cf. R & A Report No. 2972, Sweden and the USSR: The Swedish Attitude and Policy.

- 12 -

citizenship, would be considered as stateless persons.¹ This statement would appear to be in line with the subsequent decision of the Swedish Government to return the Baltic refugee boats which had been demanded by the USSR.² The Swedish Minister of Justice, in presenting the draft law outlining the procedures for such a return, stated explicitly that although the title of these ships was in some cases questionable, it could not be denied that in so far as these boats were included in the nationalization of private property in Estonia, Latvia and Lithuania, they must be considered as Soviet property. The law was approved by the Riksdag on 9 May 1945.³ During this same period, Swedish officials granted Soviet representatives permission to visit the Baltic refugees for the purpose of repatriating those who desired to return home.⁴ Foreign Minister Gunther,⁵ in reply to an interpellation in the Riksdag concerning the allegedly offensive manner in which these visits were being conducted, defended the right of the Russian officials to visit their countrymen but denied the existence of any Swedish-Soviet pact covering compulsory repatriation of these persons as had been alleged in the interpellation. Gunther added that in general Sweden favored the return of all these persons to their homeland but implied that Sweden would not repatriate any of them against their will.⁶ Although some Swedish circles regarded the Russian request as a

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1. OSS, Source D, 6 February 1945. This statement was reported to be at variance with other statements issued by members of the Foreign Office and with previous Swedish practice in regard to passports for these persons. Swedish officials had issued "foreigners passports" to these persons which defined their present and former citizenship as Estonian, Latvian or Lithuanian.
 2. OSS, Source D, 12 April 1945.
 3. OSS, Source D, 12 May 1945.
 4. OSS, Source D, 3 April 1945. It should be noted in this connection that the Chief of the Aliens Commission (Bexelius) is reported to have stated that only one percent of the Baltic refugees in Sweden desire to return home.
 5. cf. supra, p. 10, No. 3.
 6. OSS, Source D, 16 April 1945 and 9 May 1945.

- 13 -

preliminary step to a formal request for the extradition of these persons,¹
no such request has been reported to date.²

B. Unofficial Attitude Towards Swedish Refugee Policy

1. Pre-1945 Prior to 1945, the Swedish public - both laymen and members of the legal profession - was chiefly preoccupied with the relationship of Sweden to the general problems involved in the trials of war criminals. "Osten Unden, distinguished jurist and recently appointed Foreign Minister in Sweden, writing in conjunction with Ragnar Bergendal, Professor of Jurisprudence in Lund University, stated firmly that Sweden must not become a refuge for individuals who in prominent or subordinate positions have played a part in the maintenance of the "gangster rule" of the Axis powers. Unden, in developing the general subject of war criminal trials pointed out that it would be too much to expect these trials to be free from motives of revenge and retribution regardless of the desirability of impassionate trials. As regards those persons to be tried by such courts, Unden strongly emphasized that defendants involved in such crimes as mass murder must not be permitted to escape justice by the plea of superior orders."³

1. OSS CID 120006, 6 March 1945.

2. OSS, Source D, 29 May 1945

3. Svensk Juristtidning, (Swedish Law Journal), News Digest # 1624,
5 December 1944, p. 36.

- 14 -

The Swedish press has expressed a similar concern over the manner in which the trials of war criminals shall be conducted. There was no desire to protect war criminals but there was an equally strong feeling that Sweden must not contribute in any way to the punishment of innocent people as war criminals.¹ This feeling would appear to be in line with the Swedish official policy statements in regard to the return of Norwegian and Danish quislings. In February, 1945, it was expressly stated by Bergquist that these persons will not be returned by Sweden until an orderly legal process is once again functioning in these states.²

2. Later 1945 Since January 1945 Swedish press comment appears to have confined itself chiefly to comments on the specific steps taken by the Government to bring its refugee policy in line with the changing conditions. These steps were favorably commented on by the press in regard to the German refugees, and at least tacitly accepted in the case of the Baltic refugees.³ The introduction of the new aliens bill in the Riksdag in the spring of 1945 was hailed by the press as a 'necessary measure,' which, despite the harshness of some of its terms, would enable Sweden to keep herself free from "Nazi infection and terrorists" and would convince the Allies of the sincerity of Swedish intentions.⁴

1. Stockholms Tidningen (conservative) cited in OSS, Source D, 19 October 1944; Dagens Nyheter (liberal) and Svenska Dagbladet (conservative) cited in OSS, Source D, 18 October 1944; Sydsvenska Dagbladet Snellposten (conservative), cited in News Digest #1569, 1 October 1944 and #1585, 23 October 1944.

2. News From Sweden, 28 February 1945; cf. also FCC: Ticker, 22 March 1945 quoting Swedish European Service in Norwegian.

3. cf. R & A Report No. 2972, op. cit.

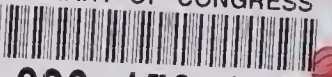
4. Ibid., Release #211, 4 April 1945; News Digest, #1727, 4 April 1945, p. 32; FCC: Ticker, quoting Swedish European Service, 10 April 1945.

- 15 -

III. Conclusion

Swedish legislation and policy statements in themselves would seem to constitute no appreciable obstacle to the United Nations' aims with respect to war criminals. The action which has been taken by Swedish officials to date indicates that Sweden is prepared to give these statements as wide an interpretation as is consistent with her sovereign rights in the admission and exclusion of refugees and to maintain a flexible refugee policy geared to the circumstances of the times. To date Swedish action has been centered largely on the refusal to admit certain types of refugees. The question of surrender on demand of the United Nations of alleged war criminals who may have succeeded in entering the country has not yet become an issue. From such action as Sweden has taken in this regard and from comments, both official and unofficial, it would appear that the determining criteria of surrender will be the type of trial which awaits the individual to be surrendered in the requesting state. Thus, it may be expected that Sweden will more readily surrender alleged war criminals to countries adhering to well established principles of "due process" than to countries in which political considerations seem to outweigh legal scruples.

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